

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 -----x  
4 UNITED STATES OF AMERICA,

5 Plaintiff,

Docket No.:  
05 CR 60 (NGG)

6 versus

7 VINCENT BASCIANO,

U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

8 Defendant.  
9 -----x

April 18, 2011  
9:21 a.m.

10 Transcript of Criminal Cause for Trial

11 Before: HONORABLE NICHOLAS G. GARAUFI,  
12 District Court Judge  
(and a jury.)

13 APPEARANCES

14 For the Government:

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18 For the Defendant:

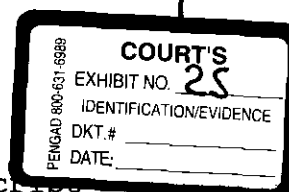
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20 Court Reporter:

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24 Proceedings recorded by mechanical stenography. Transcripts  
25 produced by computer-aided transcription.

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Massino - Cross/Jasper

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12 Q And Randy Pizzolo was -- well, you first found out about  
13 Randy Pizzolo's murder in early December at a codefendants'  
14 meeting; is that correct?

15 A That's not correct.

16 Q When did you first learn about Randy Pizzolo's murder?

17 A I believe it was the day after Thanksgiving, November 2004.

18 Q The day after Thanksgiving?

19 A I believe it was, if not the following Friday.

20 Q That was still in the month of November?

21 A It was in November.

22 Q So you learned about Randy Pizzolo's murder the day after  
23 he died, is that what you are saying?

24 A A couple of days later.

25 Q Do you know that Randy Pizzolo died on November, his body

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1 was found December 1st, the morning of December 1st? Are you  
2 aware of that?

3 A I believe it was sometime in November they found his body.

4 Q You believe it was November?

5 A Yes.

6 Q What is your understanding that it was November that he was  
7 found?

8 A We had a codefendant meeting. And Johnny Joe says to me --  
9 which is a Wiseguy in the Bonanno Family -- he said, Did you  
10 see they killed Randy Pizzolo? I said, No, I'm in the SHU.  
11 Sometimes I get the newspapers; sometimes I don't.

12 With this, Vinny Basciano steps up and tells Johnny  
13 Joe to excuse himself, I want to talk to the chief.

14 THE COURT: Go ahead. I'm sorry.

15 A (Continuing) So he sits next to me and he tells me, I  
16 killed Randy Pizzolo, I said, With who? He was hemming and  
17 hawing. He really didn't want to say who.

18 Then he goes on to say, Ace. He said, I think Joey  
19 Gambina didn't handle himself. Dominick spoke highly of him.  
20 That's why he wasn't going to make him, and Dominick Cicale was  
21 there, captain of the Bonanno Family.

22 Q After Johnny Joe came to you and said -- did he say, did  
23 you see they killed Randy Pizzolo? Is that what Johnny Joe  
24 said, yes or no, if you can?

25 A All he says was, Johnny Joe told me did you see the papers.

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1 I said I don't get the papers all the time. Randy Pizzolo, he  
2 got murdered or killed.

3 Q At that time did you respond to Johnny Joe Spirito at that  
4 codefendant meeting in early December, did you say to him, as  
5 long as he deserved it? Do you remember saying that?

6 A No, I didn't.

7 Q Do you remember him saying, If it was warranted?

8 A No, I didn't say that.

9 Q Now, you told us that your understanding was that Randy had  
10 been killed and that Mr. Basciano was responsible for it.

11 Is that so?

12 A That's correct.

Massino - Cross/Jasper

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13 Q Now, after Mr. Basciano did -- did Mr. Basciano excuse  
14 Johnny Joe?

15 A Yes, he did.

16 Q And he spoke to you one on one?

17 A He sat right alongside me. Johnny, say, was sitting there.  
18 He said, Excuse yourself, Johnny Joe. I want to talk to the  
19 chief.

20 He got up, and Vinny sat down.

21 Q Where did Johnny Joe go after that?

22 A He sat in Vinny's seat.

23 Q That was how far away from you?

24 A I'm going to say five feet.

25 Q Now, this is in MDC?

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1 A MDC Brooklyn.

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19 Q Well, I'm sorry. On December 12 at the codefendant  
20 meeting?

21 A December 12?

22 MS. MERKL: Objection, your Honor.

23 THE COURT: We had no codefendant meeting December 12.

24 Q I'm sorry, December 2 or 3.

25 A That's possible, the end of November, the beginning.

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Massino - Cross/Jasper

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1 Q My question is: Which do you recall Mr. Basciano saying to  
2 you about the Randy Pizzolo murder on December 2 or 3? Do you  
3 recall him saying that he okayed it or ordered it?

4 A "I killed Randy Pizzolo," or "We killed him."

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Massino - Cross/Jasper

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13 Q And then, of course, on line 33, you say, Massino: "You  
14 never mentioned one word about Randy?"

15 Basciano: "Well, you know what I -- I --

16 Massino: "Let me finish. That was on a Friday.  
17 Following Friday, we had a co-defendant meeting, and that's  
18 when you tell me that youse clipped him. Why don't youse tell  
19 me that Friday? Why didn't you ask me?"

20 Now, the co-defendant meeting, I think you said  
21 occurred a week later, about December second or December third,  
22 2004, is that correct?

23 MS. MERKL: Objection; misstates the testimony.

24 A Could have been November or early part of December.